

## REMARKS

This amendment is being filed as a response to the Final Office Action of January 8, 2008. Reconsideration is respectfully requested in view of these clarifying amendments and remarks.

### **Rejections under 35 USC § 103(a)**

Claims 1-3, 8, 9-11, and 16-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nykanen et al. (US Publication No. 2003/0133554), in view of Humphrey et al. (U.S. Publication No. 2004/0003039). Applicants respectfully request reconsideration of these rejections in light of the arguments contained herein.

Claim 1 defines delivery transactions including an update transaction that allows said adapter to obtain a provisioning update comprising a list of said services that should be installed on the client device, and a notification transaction that allows the provisioning application to request said adapter to perform said update transaction. The Office has asserted that the aforementioned limitation is taught by Humphrey in paragraphs [0007], [0024], [0038], [0055], [0060], [0064], and [0068]. Applicants respectfully disagree.

The Office suggestion of 7 different paragraphs makes understanding of how the teachings of Humphrey suggest Applicants' claims difficult. For example, paragraph [0007] merely states that "there ... exists a need for notification of players when content, such as game patches, updates or other content is available to download." Stating that there is a need for a solution could hardly be considered a teaching of anything, but rather the opposite as teachings refer to solving needs. Applicants respectfully request that the Office point out specifically where each of the specific limitations recited in the rejected claims is found in the prior art relied on in the rejection.

Nevertheless, in order to forward prosecution, Applicants will explain what Applicants believe are the relevant teachings in Humphrey as described in the following excerpts:

"[0055] In a further embodiment of the present invention a content delivery service is provided in which data flows to clients in a push model. In this further embodiment, clients make up the cloud and share a common, synchronized index of content that is available for download from any one of a number of sources provided by a content owner. A content owner or provider can be an Internet Service Vendor (ISV) that is providing game patches, updates or modifications or other content." (emphasis added).

"[0060] The content index 516 or catalog is a record set shared by all members of the content cloud 502. The content index 516 contains reference to and locations of content. In operation, new cloud members are pushed the content index 516 when they first join the cloud and receive deltas (changes to content index) as ripples through the content cloud, when updates are made available by the content contributor. Issues relating to content cloud 502 stability and performance are addressed through the size of content record sets and update frequency. In some cases the content index 516 is cached locally on individual clients 504. Such clients 504 then receive the deltas between their copy and the content cloud 502 copy" (emphasis added).

"[0064] Turning first to content discovery, a client system 506 essentially registers for content updates by joining one or more content discovery peer clouds 502 and then is able to download content as illustrated in FIG. 6. It should be noted that client systems receive content descriptions rather than the entire files or actual content from the content cloud 502, i.e. a client may receive a record which is a pointer to the location of a file that resides on a content repository 510. ... a cloud certificate is issued to the requesting client 506 at step 604. The information that was provided regarding PNRP compliance or the lack thereof, results in the provision of a cloud name and identity to a PNRP compliant (pure) requesting client 506, or an IP address of a limited platform gateway 206 to a non-PNRP compliant (limited) requesting client 506. Whether the requesting client 506 is a pure client or limited client is determined at step 606 and results in different procedures which culminate at step 612 with the client 506 downloading content from content repository 510" (emphasis added).

Humphrey teaches data flows to clients in a push model, where the data is an index of content. This content indicates when updates are made available by the content contributor. Further more "client systems receive content descriptions rather than the entire files or actual content from the content cloud" (emphasis added). Eventually clients "download[] content from content repository." However, there is no suggestion of a list of services that should be

installed, as claimed by Applicants. Humphrey just teaches how to get information on available updates, but there is no teaching that the delivery transactions indicate what should be installed on the client device. Furthermore, there is no suggestion either of a notification transaction that allows the provisioning application to request said adapter to perform said update transaction. Humphrey teaches that the client decides when to download updates, but not that a provisioning application requests said adapter to perform the update transaction. For all these reasons, Humphrey's teachings do not suggest Applicant's claims and the rejection is improper.

Additionally, the Office has asserted that "the motivation [to combine] ... lies in the fact that service provisioning systems must necessarily use the latest services, which would therefore require an updating mechanism, such that the latest services are available" (emphasis added). Applicants respectfully disagree. There are many different types of clients. The systems a particular client uses can be new, or old, and can function with different versions of software. However, not every version of software, and more specifically the latest version of software, will be compatible with older systems. Therefore older systems must not necessarily use the latest services.

In the Response to Arguments, the Office has offered an explanation on how the teachings of Nykanen and Humphrey can be combined and that "there would exist a reasonable expectation of success." Even assuming *arguendo* that this was correct, the Office still has not offered a reasonable **motivation to combine**. Arguing that "service provisioning systems must necessarily use the latest services," as discussed supra, is not proper, and thus the motivation to combine is still lacking.

Still yet, the Office has asserted that "the concept of updating services in response to new services being available is very well known in the art of service provisioning, with

system updates for desktop PCs being an example. As such, the inclusion of this teaching would have been obvious to one of ordinary skill in the art at the time of the invention.”

Applicant respectfully traverses. Note excerpt from MPEP below.

“If the applicant traverses such an [Official Notice] assertion the examiner should cite a reference in support of his or her position.” See MPEP 2144.03.

There are many ways of updating devices, such as automated network updates with or without user intervention, via CD's, from permanent memory, etc. Furthermore, updating an application in a mobile device can be very different from doing a system update on a PC.

Therefore, the Office has failed to provide a specific showing of the subject matter in all of the claims.

In the Response to Arguments, the Office has asserted that “the concept of updating is ubiquitous in the art of service provisioning, and Humphrey discloses one such example.”

Applicants respectfully disagree. Applicants do not claim updating in general. Applicants claim an update transaction that allows said adapter to obtain a provisioning update comprising a list of said services that should be installed on the client device, and a notification transaction that allows the provisioning application to request said adapter to perform said update transaction.

As noted above, the Applicants are filing an RCE to allow the Examiner to take a fresh look at the claims in view of the clarifications and remarks. For example, Applicants have amended each of the independent claims to further distinguish Applicants' claim language from the above reference, as follows:

“wherein the provisioning application includes client device information for each client device the provisioning application services.”

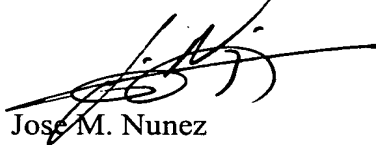
This is fully supported in the Application as filed. See for example the last paragraph in page 14: “In one embodiment, the provisioning server includes client device information

for each client device it services.” Please kindly reconsider these amendments, and call the undersigned if any question remains.

In view of the foregoing, the Office is requested to withdraw the rejection of the independent claims under §103. The dependent claims are submitted to be patentable for at least the same reasons the independent claims are believed to be patentable. The Applicants therefore respectfully request reconsideration and allowance of the pending claims. A Notice of Allowance is respectfully requested.

If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6920. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP154). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
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